

**IN THE
PUTNAM COUNTY CIRCUIT COURT**

CASE NO: 67C01-1303-FA-000067

STATE OF INDIANA,)
Plaintiff)
vs.)
RICHARD W. STUART,) BEFORE THE HONORABLE
Defendant) MATTHEW HEADLEY

TRANSCRIPT OF EVIDENCE

VOLUME I OF 1

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PLAINTIFF:	COUNSEL FOR DEFENDANT:
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Brenda Johnson
Official Court Reporter
Putnam Superior Court

1 STATE OF INDIANA) IN THE PUTNAM CIRCUIT COURT
2)SS:
3 COUNTY OF PUTNAM) CAUSE NO. 67C01-1303-FA-000067
4

5 STATE OF INDIANA,

6 Plaintiff

7 vs.

8 RICHARD W. STUART,

9 Defendant

10
11 SENTENCING HEARING

12 BEFORE THE HONORABLE JUDGE, MATTHEW HEADLEY

13 Date of Trial: September 5th, 2013
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23 Brenda Johnson

24 Official Court Reporter

25 Putnam Superior Court

1 THE COURT: The next case is Richard Stuart, 67C01-1303-FA-67. You are
2 Richard Stuart?

3 DEFENDANT: Yes.

4 THE COURT: And Mr. Stuart this also comes out for sentencing. Mrs. Parrish
5 has also found to do a pre-sentence investigation for the Court and for the parties. Mr.
6 Bookwalter and Mr. Long anything from your, your position? Do you have any
7 witnesses that you want to call or do you have any victim a (indiscernible) that you're
8 requesting?

9 MR. Bookwalter: We don't, Your Honor. The awe, this was a, the child, the
10 victim is a ward of the Department of in foster care of DCS. I've talked to them so they
11 are representing the victim and notified them.

12 THE COURT: Okay. And Mrs. Parish I forgot to ask you, I'm sorry. Do you
13 have any corrections to your document?

14 MRS. PARRISH: No, Your Honor.

15 THE COURT: And Mr. Stuart do you agree you have 191 (One Hundred and
16 Ninety One) actual days that you've served?

17 DEFENDANT: Yes.

18 THE COURT: Mr. Tongret do you have any witnesses you want to call?

19 MR. TONGRET: Awe, no. Mr. Stuart has nothing to say Your Honor.

20 MR. BOOKWALTER: Your Honor, I just like to make sure, I wasn't here at the
21 sentencing but this is a credit restricted felon and I just want to make sure for PCR
22 purposes down the road he understands that.

23 THE COURT: Mr. Stuart, do you understand that by the charge here that under
24 Indiana law you would be deemed a credit restrictive felon pursuant to Indiana Code
25 35-31.5-2-72 which basically awe, talks about how much credit time you can get while

1 you are at the Indiana Department of Corrections. Do you understand that?

2 DEFENDANT: No.

3 THE COURT: Okay. Under Indiana law by pleading guilty to this crime I believe
4 and Mr. Bookwalter or Mr. Long or Mr. Tongret will correct me but I believe that you
5 would have to serve a minimum of 85 (Eighty-Five) percent of your sentence. Do you
6 understand that?

7 DEFENDANT: Yes.

8 THE COURT: Okay. And do you also understand that by pleading guilty to this
9 crime you are going to have to register as a sexually violent predator? Do you
10 understand that?

11 DEFENDANT: Yes.

12 THE COURT: Yes? And that registration um right now I believe is for life. Do
13 you understand that?

14 MR. BOOKWALTER: That is correct, Your Honor.

15 THE COURT: And that's under Indiana Code 35-38-1-7.5. Do you understand
16 that?

17 DEFENDANT: Yes.

18 THE COURT: Okay. Okay. The Court then accepts the terms of the plea
19 agreement and sentences you to Count I, Child Molesting as an A Felony. Pursuant to
20 the plea agreement you've received a 20 (Twenty) year sentence, all executed to the
21 Department of Corrections. Again the Court makes a finding that you are a sexually
22 violent predator under Indiana Code 35-38-1-7.5. Also, because of this conviction you
23 are a credit restricted felon pursuant to Indiana Code 35-31.5-2-72. Mr. Stuart you also
24 have a Court cost that you're required to pay and that \$168.00 (One Hundred Sixty
25 Eight Dollars). You have no other owe obligations to the Court except for a Public

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Defender fee of \$100.00 (One Hundred Dollars). Do you understand that?

DEFENDANT: Yes.

THE COURT: So you know that judgment of conviction is entered at this time and you will be sentenced or you have been sentenced and the remainder of your sentence at The Department of Corrections. Anything else you need Mr. Bookwalter?

MR. BOOKWALTER: No, Your Honor.

THE COURT: Mr. Tongret?

MR. TONGRET: No, Your Honor.

THE COURT: Anything else you want to say Sir?

DEFENDANT: No.

THE COURT: Thank you. You are remanded back to the Putnam County Sheriff's Department.

AND THAT IS ALL THE EVIDENCE RECORDED IN THIS CAUSE